

MILPERSMAN 1910-142

SEPARATION BY REASON OF MISCONDUCT - COMMISSION OF A SERIOUS OFFENSE

| | | | |
|-----------------------|---|------------|----------------|
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| References | (a) Manual for Courts-Martial (MCM) (b) BUPERSINST 1900.8A |
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1. Policy

a. Members may be separated based on commission of a serious military or civilian offense when

(1) specific circumstances of offense warrant separation; and

(2) offense would warrant a punitive discharge per reference (a), appendix 12 for same or closely related offense.

b. Commission of a serious offense does not require adjudication by non-judicial or judicial proceedings; however, offense must be substantiated by a preponderance of evidence (e.g., copy of police record, Naval Criminal Investigative Service (NCIS) investigation, etc.).

2. Mandatory Processing. Processing is mandatory for

a. violent misconduct which resulted in, or had potential to result in, death or serious bodily injury (e.g., homicide, arson, armed robbery, assault with a deadly weapon, etc.).

b. illicit use of inhalants (huffing) and excessive use (beyond what is normal, sufficient, or prescribed) of prescription and/or over-the-counter drugs and medications.

c. deviant sexual behavior (lewd and lascivious acts; forcible heterosexual sodomy; indecent assault, acts, and/or exposure; or any child sexual abuse, possession of child pornography, or incestuous relationships).

(1) If child sexual abuse including incest occurs, immediately notify

**Commander, Navy Installations (CNI) Detachment Millington
Counseling, Advocacy and Prevention Branch**

and

**Navy Personnel Command (NAVPERSCOM)
Conduct and Separation Branch (PERS-483)/
Reserve Enlisted Personnel Section (PERS-4913).**

Administrative processing is mandatory if case is substantiated for child sexual abuse.

(2) If member is ultimately retained, NAVPERSCOM (PERS-483) will forward case to

**CNI Detachment Millington
Counseling, Advocacy and Prevention Branch**

for evaluation and recommendation of long-term treatment. Regardless of acceptance into rehabilitation, NAVPERSCOM (PERS-483/4913) may direct separation of member at expiration of active obligated service (EAOS) with an RE-4 reenlistment code.

(3) If member is accepted, but later evaluated as a rehabilitation failure, reprocess per MILPERSMAN 1910-162.

d. Sexual harassment under following circumstances:

(1) Threats or attempts to influence another's career or job in exchange for sexual favors;

(2) rewards (including bribes to influence favorably another's career) in exchange for sexual favors; or

(3) unwanted physical contact of a sexual nature which, if charged as a violation of UCMJ, could result in a punitive discharge.

3. **Procedures**. Use this table to determine processing procedures.

| WHEN... | THEN use | EXCEPT when... | THEN use.. |
|--|---|---|--|
| offense requires mandatory processing or commanding officer (CO) believes circumstances surrounding offense warrants an OTH per MILPERSMAN 1910-300, | Administrative Board Procedure (MILPERSMAN 1910-404), | offense occurred preservice or in a prior enlistment and was unknown to Navy at time of enlistment or reenlistment and processing for fraudulent enlistment is not appropriate, | Notification Procedure (MILPERSMAN 1910-402) and process for erroneous enlistment. |
| offense does not require mandatory processing and CO believes circumstances do not warrant an OTH per MILPERSMAN 1910-300, | Notification Procedure (MILPERSMAN 1910-402). | | |

4. **Characterization of Separation**

a. Further guidance on characterization of service is provided in MILPERSMAN 1910-300. This table provides general information based on type of procedures used.

| IF... | THEN least favorable characterization is... |
|---|---|
| Notification Procedure is used, | GEN, per MILPERSMAN 1910-308. |
| Administrative Board Procedure is used, | OTH, per MILPERSMAN 1910-300. |

b. If member has less than 180 days of service, an Entry Level Separation may be appropriate. See MILPERSMAN 1910-308 for further guidance.

5. **Separation Program Designator (SPD)**. Per reference (b), the following SPD codes are to be used:

| SPD CODES | EXPLANATION |
|---|--|
| GKD-Misconduct (AWOL) GKF-Misconduct (Desertion) GKL-Misconduct (Sexual Perversion) GKQ-Misconduct (Serious Offense) | Involuntary discharge, approved recommendation of a board. (Use when administrative board was held.) |
| HKD-Misconduct (AWOL) HKF-Misconduct (Desertion) HKL-Misconduct (Sexual Perversion) HKQ-Misconduct (Serious Offense) | Involuntary discharge in lieu of further processing or convening of a board. (Use when administrative board was waived.) |
| JKD-Misconduct (AWOL) JKF-Misconduct (Desertion) JKL-Misconduct (Sexual Perversion) JKQ-Misconduct (Serious Offense) | Involuntary discharge, no board entitlement. (Use when member has less than 6 years of total active service.) |